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THE RIGHT TO DEVELOPMENT

Written statement*/ submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 March 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

The Situation of the Mapuche in Chile

The term Mapuche means "People of the Earth". The Mapuche are the largest aboriginal group in Chile. They originally occupied an area stretching from the Maule region to the Island of Chiloé. According to the 1992 census 928,060 people over 14 years old identified themselves as Mapuche. However only approximately 15 % still live in what remains of their historical homeland; today most of the Mapuche (around 60 %) live in towns, three-quarters of them in the capital, Santiago (predominantly in the poorer neighbourhoods of Cerro Navia, Pudahuel, Peñalolen, La Pintana, Maipu and La Florida). As the census included only persons over 14 years old, the actual number of Mapuche may be assumed to be higher than the total given .

Shortage of land is one of the basic reasons why the Mapuche have left their area of origin. The chief causes of this shortage were European colonisation, illegal settlement, fraudulent land purchase agreements, over-exploitation of natural resources and in more recent times Decrees issued by the Pinochet dictatorship (Nos. 2568 and 2750) which compulsorily privatised Mapuche land led to the dispersal of most of the Mapuche communities. No compensation whatsoever has been paid to date.

Indications of domestic, structurally determined underdevelopment

The Mapuche living in towns see themselves as subjected to a variety of types of stereotyping by Chilean society. The non-recognition of their group identity automatically precludes the possibility of taking decisions for themselves on matters affecting indigenous peoples.

For decades governments have attempted to impose the cultural values of the unified state by their efforts for example to devalue Mapuche culture and bring about the disappearance of the Mapudungun language while at the same time excluding them from decision-making processes. Mapuche organisations possess no facilities where Mapuche can meet together and discover a communal identity in the context of their traditional culture, enabling an urban Mapuche community to evolve. Social, cultural and religious traditions are orally transmitted, in dialogue, communal life and the transmission of knowledge from one generation to the next.

Those religious ceremonies that are permitted by the authorities are kept under observation by the police, allegedly in order to avoid possible disturbances. The nature of this supervision and the procedures involved (searches for weapons) are humiliating. The Mapuche's traditions and rituals are openly referred to as "devilry" while they are discriminated against as "heathens".

This lack of concern for the Mapuche's autonomous development penetrates deep into Chilean society. It comes close to being an integral element of the dominant culture, reflected in a variety of social institutions - the education system, the health service, the judicial system, etc.

So for example Mapuche children are given no opportunity to learn their own language at school, let alone receive bilingual teaching, or to discover more about their own culture, traditions and values. On the contrary the national curriculum communicates a very negative image of the Mapuche, who are portrayed, like Native Americans in North America, as subservient and alcohol-dependent. The illiteracy rate among the Mapuche is as high as 10% while the national level is around 4%.

In Santiago there is no system of multicultural education, no libraries, archives or any teaching materials whatsoever that take account of the Mapuche's cultural identity or offer them the scope to develop their own solutions to their problems. There is a need for research to be undertaken with a view to promoting the revival of the Mapuche's traditions. Current social work practices fail to take proper account of the specific social, psychological and cultural characteristics of the Mapuche. Although Art. 28 of the *Ley Indígena* stipulates that areas with a high Mapuche population density should be served by TV and radio broadcasts in their own language - and there are over 400,000 Mapuche living in Santiago - in reality none are provided. It is not surprising that the young try to avoid being identified as members of an indigenous people as they are ashamed of their identity.

The health service pays no regard to the traditional concept of health in the Mapuche culture, which is based on the use of herbal medicines and a holistic approach; in contrast to other South American countries such as Columbia there is no legal requirement to provide a culturally appropriate health care service. There are not even any health centres tnat offer Mapuche patients treatment in their own Mapudungun language.

As far as the judicial system is concerned neither the courts nor the public prosecutor's office allow evidence to be given in Mapudungun, not even in areas with a large Mapuche population. The only institutional instance providing a legal forum for specifically indigenous matters is CONADI and then only in respect of issues relating to land, and then only applying to rural areas and persons who satisfy the classic definition of a Mapuche. There is no equivalent procedure for dealing with other culturally specific problems such as inheritance disputes from an indigenous perspective.

The system of legal education does not offer any courses in the customary rights deriving from Mapuche law. Nor, of course, do local courts have the discretion to issue rulings based on Mapuche law. Unlike in other countries, such as Colombia, the office of the Chilean ombudsman has no section specifically concerned with indigenous rights which would allow the development of a separate system of law.

Gesellschaft für bedrohte Völker is asking the UN Human Rights Commission to urge the Chilean government finally to recognise the Mapuche as an aboriginal people of Chile. In addition, Article 29 of the *Ley Indígena* (Protection of the historical heritage of indigenous cultures in Chile) should be used to help preserve the Mapuche culture in the urban environment and enable the Mapuche to secure their rights as an indigenous people and protect their identity, their culture and their traditions before they are destroyed. Finally the enforced privatisation of Mapuche land begun during the Pinochet dictatorship must be reversed and compensation provided for the use of that land that has had to be foregone in the meanwhile.